

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4711 of 2021**

Dashruram Kashyap S/o Aayatu Kashyap Aged About 20 Years R/o
Chitrakot District Bastar Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Of Police Station Barsur District South
Bastar Dantewada Chhattisgarh.

---- Respondent

For the Applicant : Shri P.K. Tulsyan, Advocate.
For the Respondent/State : Shri Alok Nigam, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****28.07.2021**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.11 of 2021, registered at Police Station – Barsur, District – Dantewada, Chhattisgarh for the offence punishable under Sections 363, 366 and 376(2)(n) of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 29.5.2021 and has been falsely implicated in this case. The prosecutrix was not minor on the date of incident and further, the statement under Section 164 of the Cr.P.C. shows that she was willing and consenting

party and the physical relation with the applicant was also consensual. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that on the date of incident the prosecutrix was minor and further, she has clearly stated that she was forcefully subjected to rape by the applicant when he kept her in his custody for sometime. Hence, no case is made out for grant of bail to the applicant.

4. The prosecutrix/ complainant is present before this virtual Court through the Help-Desk of the DLSA, Jagdalpur. She made a statement that she has no objection in grant of bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. According to the prosecution case, on the date of incident, this applicant abducted the minor prosecutrix of age below 18 years, kept her in his custody and then forcefully had physical relation with her. Hence, this case.

7. Considered the submissions and the facts present in this case. Looking to the statement of the prosecutrix under Section 164 of the Cr.P.C. and also the statement of no objection from the complainant side, I feel inclined to grant regular bail to the applicant.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge